

### **Next Steps in Rulemaking Process for RP 5-**

Wis. Stat. § 227.185: Governor approval. After approval by the Natural Resources Board, the Department submitted the final rule package to the Governor for review on September 7, 2017. The Governor must approve the rule package before it can be submitted to the Legislature. There is no time frame specified in Wis. Stat. § 227.185 for the Governor's review.

Wis. Stat. § 227.19: Legislative Review prior to promulgation. Once the Governor has provided written approval, the Department submits the final rule package to the Legislature. The Department is required by the attached court-ordered stipulation to submit the rule package to the Legislature within 30 days of the Governor's approval. Within 10 working days of receipt of the rule package, the chief clerk of each house refers the rule package to a standing committee.

Wis. Stat. § 227.19(4): Standing Committee Review. The standing committee review period extends for 30 days after referral of the rule package. During that time, a committee may request the Department meet with the committee or the committee may publish a notice that the committee will hold a meeting or hearing on the proposed rules. These actions extend the standing committee review period for another 30 days. Other circumstances may also increase the time required for the standing committee review (see Wis. Stat. § 227.19(4)(b)1m.-6.). The standing committee review is concluded when the committee approves, objects to, or waives its jurisdiction over the proposed rule or when the committee review period ends, whichever comes first. (see Wis. Stat. § 227.19(4)(e)).

Wis. Stat. § 227.19(5): Joint Committee for Review of Administrative Rules (JCRAR). Once the standing committee's jurisdiction is concluded, the committee shall within 5 working days report the rule and any objection to the chief clerk of the appropriate house. The chief clerk has 5 working days from the date of the committee report to refer the rule to the joint committee for review of administrative rules (JCRAR). The JCRAR review period extends for 30 days after the last committee referral. During the 30-day review period, the JCRAR may request the Department meet with the JCRAR or the JCRAR may publish a notice that the JCRAR will hold a meeting or hearing on the proposed rules. These actions extend the time period for the JCRAR review for another 30 days. Other circumstances may also increase the time and steps required for the JCRAR review (see Wis. Stat. § 227.19(5)(b)-(g)). The Department may not promulgate a proposed rule until the JCRAR review process is concluded.

Pursuant to the attached Stipulation and Order, if a standing committee or JCRAR request modifications to the proposed rule pursuant to Wis. Stat. s. 227.19(4)(b)2. or (5)(b)2., the Department must submit a modified rule or respond that the agency will not make the modifications within 60 business days of the committee request or within 20 business days after the following Natural Resources Board meeting, whichever is earlier. (*See Stipulation and Order for Judgment, Apr. 18, 2016 in re Midwest Environmental Defense Center, Inc. v. DNR, Dane County Case No. 15-CV-2409.*)

Wis. Stat. §§ 227.21 and 227.22: Filing and Publication of Rules. Once the JCRAR review process is concluded, the agency must file a certified copy of the rule with the legislative

reference bureau for publication in the Wisconsin Administrative Register. Pursuant to the Stipulation and Order, the Department must file the certified rule package within 20 business days of conclusion of the JCRR review process. Generally, a rule is effective on the first day of the month commencing after the date of publication unless a different date is specified (see Wis. Stat. § 227.22(2)).